

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
KEITH MURRAY,

Plaintiff,

-against-

UNITED PARCEL SERVICE OF AMERICA, INC.,
UNITED PARCEL SERVICE, INC., UNITED
PARCEL SERVICE CO., THOMAS CLEARY AND
JILLIAN DEDIER,

Defendants.
----- X

NO. 08-CV-02160 (LAK)

AFFIDAVIT OF THOMAS CLEARY

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

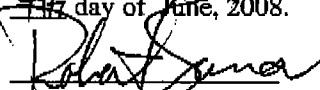
Thomas Cleary, being duly sworn, deposes and says:

1. I am a Security Supervisor in the Metro New York District of United Parcel Service, Inc. ("UPS"), and I have been named as a defendant in the above-captioned matter.
2. I submit this affidavit in support of a motion to dismiss plaintiff's First Amended Complaint as against myself and Jillian Dedier due to plaintiff's failure to complete service of process within the time limits prescribed by the Federal Rules of Civil Procedure and the New York Civil Practice Law and Rules.
3. On May 7, 2008, a copy of the Summons and First Amended Complaint in this action was left for me with the security desk at my place of business, *i.e.*, the UPS facility located at 643 West 43rd Street, New York, New York 10036.

4. On May 15, 2008, I received a copy of the Summons and First Amended Complaint via U.S. Mail.


THOMAS CLEARY

Sworn to before me this
~~13th~~ day of June, 2008.


Notary Public

ROBERT SIERRA
NOTARY PUBLIC, State of New York
No. 01SI4689184
Qualified in Kings County
Commission Expires 2/28/2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	
KEITH MURRAY,	:	
	:	
Plaintiff,	:	NO. 08-CV-02160 (LAK)
-against-	:	
	:	
UNITED PARCEL SERVICE OF AMERICA, INC.,	:	
UNITED PARCEL SERVICE, INC., UNITED	:	
PARCEL SERVICE CO., THOMAS CLEARY AND	:	
JILLIAN DEDIER,	:	
	:	
Defendants.	x	

CERTIFICATE OF SERVICE

I, Evandro C. Gigante, hereby certify that on June 4, 2008, I caused true and correct copies of the following :

1. Notice of Motion
2. Affidavit of Thomas Cleary
3. Affidavit of Jillian Dedier
4. Declaration of Evandro C. Gigante, Esq.
5. Memorandum of Law on Behalf of Defendants Thomas Cleary and Jillian Dedier in Support of Motion to Dismiss to Complaint Under Fed. R. Civ. P. 12(b)(2) and (12)(b)(5)

to be served via United Parcel Service Overnight Delivery upon the following:

Adam Richards
ADAM RICHARDS LLC
40 Fulton Street, 7th Floor
New York, New York 10038
Attorney for Plaintiff

Dated: New York, New York
June 4, 2008

By: _____



Evandro C. Gigante (EG-7402)

AKIN GUMP STRAUSS HAUER & FELD LLP

590 Madison Avenue

New York, New York 10022

(212) 872-1000 (Telephone)

(212) 872-1002 (Facsimile)

Email: egigante@akingump.com

*Attorneys for Defendants Thomas Cleary and
Jillian Dedier*